

Docket Number 35717YA

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION OVER A PRIOR PATENT**

#11/1/96

In re Application of: Steven E. Koenck

Application No. 08/415,075

Examiner: Mr. K. Shin  
AUG 29 1996

Filed: March 30, 1995

Group Art Unit 2111  
GROUP 21


For: "Battery Pack Having Memory"

The owner, Norand Corporation of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond June 19, 2006 corresponding to the expiration date of the twenty year full statutory term defined in 35 U.S.C. 154 to 156 and 173 of prior Patent No. 4709202. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term of the prior patent as described above: even though the term of the prior patent is presently shortened by terminal disclaimer, and even though the prior patent later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to June 19, 2006.

Check either box 1 or 2 below, if appropriate,

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

**APPROVED****SEP 16 1996**OFFICE OF THE SPECIAL  
PROGRAMS EXAMINER  
GROUP 2100DEBORAH PERRY-LEEPER  
PARALEGAL SPECIALIST  
OFFICE OF THE SPECIAL  
PROGRAMS EXAMINER  
GROUP 2100

✓ I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney of record.

August 29, 1996

Date

John H. Sherman  
Signature

John H. Sherman, Reg. 16909

Typed or printed name

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.  
☒ PTO suggested wording for terminal disclaimer was  
☐ unchanged. ☒ changed; see the explanation below:

Pursuant to an agreement reached with Examiner Shin during the telephone interview of August 29, 1996, the owner is only disclaiming the term of the patent to be granted hereon which would extend beyond twenty years from the filing date of June 19, 1986 of the prior Patent No. 4709202.

AUG 29 1996

SHIN